IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 89 OF 2007

1. Industrial Finance Corporation
of India (IFCI) & 3 Ors. ..... Appellants

V e r s u s

1. Dugal Projects Developments Co.
Pvt. Ltd. & Anr. ..... Respondents

Mr. M. S. Usgaonkar, Senior Counsel with Ms. A. A. Razaq & Ms. G. Kale, Counsel for the Appellants.

Mr. Rajiv Kumar, Senior Counsel with Mr. S. N. Joshi & Ms. R. Kamat, Counsel for the Respondents.

CORAM: SWATANTER KUMAR, C.J.

DATE: **12th October, 2007**.

P.C.

The present Civil Appeal is directed against the Order dated 29.08.2007, passed by the learned Civil Judge, Senior Division, at Margao. By the said Order, an Order of status quo in relation to the property in question was passed and resultantly defendant nos. 1 to 3 and 5 are stated to be prejudicially affected by the said Order. During the hearing of this appeal, the learned Counsel appearing for the parties commonly stated that without prejudice to their rights and contentions, by consent, this appeal could be disposed of.

2. The consented terms are :

(i) That the Order dated 29.08.2007 shall continue in force.

(ii) That the present appellant would file a reply to the application for injunction with liberty to take such objections including the jurisdiction of the Civil Court to pass such Order within one week from today.

(iii) That within one week thereafter, the respondents herein would be at liberty to file rejoinder if any.

(iv) The learned trial Judge would hear the injunction application and the objections raised by the present appellant and dispose of the same within two weeks thereafter. The disposal of the present appeal and the contentions raised by either party would not in any way, come in the way of the Trial Court to pass an Order which is fit and proper in the facts and circumstances of the case.

3. The above consented terms and conditions are otherwise fair and just and could help expeditious disposal of the dispute between the parties. Resultantly, the appeal is disposed of in above terms with no Order as to costs.

CHIEF JUSTICE

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